

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

**R E C E I V E D
B Y M A I L**

CHRISTINA J. MIESS, as the Natural Mother of)
CRISET MIESS, GRACY MIESS, and)
GABRIELLE MIESS, Deceased)
)
AUG 20 2009 Plaintiff,) Case No.: 4:09-cv-00124
)
U. S. DISTRICT COURT)
EASTERN DISTRICT OF MO)
ST. LOUIS)
PORT CITY TRUCKING, INC., ALVIN LEWIS,)
and MARS, INC.,)
)
Defendants,)

MOTION TO DISQUALIFY and DISCHARGE ATTORNEYS TROTTER AND RIEHN

COMES NOW Plaintiff Christina Miess and respectfully requests this Court to enter its Order disqualifying and discharging attorneys J. Michael Riehn and Don Trotter from participating in this matter in any capacity and acting as her attorneys of record in this case. In support of this Motion, Plaintiff states as follows:

1. I am the biological mother of Cristel Miess, Gracy Miess and Gabrielle Miess, who were killed in the accident that is the subject of this litigation. I also sustained personal injuries in this accident. Mark Barton was driving the vehicle that we were in at the time of this accident and is the father of Gabrielle Miess, deceased.
2. I request exemption from this Court's rules requiring electronic filing for good cause which is that I do not have the equipment or capability to file documents electronically.
3. Attorneys Riehn and/or Trotter visited me in the hospital after the accident that is the subject of this litigation to offer their services. This is to the best of my

knowledge because I do not remember. At that time, I was heavily medicated and in shock from losing three children and suffering serious physical injuries (from which I still suffer today).

4. During the course of their representation of me in this case, these attorneys did not keep their promises to me. For example, I wanted my vehicle that was involved in this accident preserved as evidence and I told attorneys Riehn and Trotter to preserve it. But attorneys Riehn and Trotter failed to preserve it and it has been destroyed as a result.
5. I have asked numerous times for copies of documents I signed with these attorneys and they have failed to provide them to me. These attorneys told me last year they were filing suit and did not do so until June 2009. On numerous occasions, these attorneys have spoken to me using profanity and language that is offensive to me.
6. Recently, Attorneys Riehn and Trotter have been pressuring me to enter into an "agreement" with the attorney who represents Richard Huffman and William Scheider, fathers of my deceased minor children, Cristel Miess and Gracy Miess, who both have competing claims for the childrens' wrongful death and may also be adversarial to my claim for personal injuries in the event of limited funds to satisfy a judgment. I do not want to enter into this agreement because these fathers were not involved in my childrens' lives and did not pay child support.
7. Under these circumstances, I have been and currently remain very dissatisfied with the services provided by attorneys Riehn and Trotter. I have attempted to discuss various concerns with them verbally with no satisfactory response from

them.

8. As a result, I voluntarily contacted the law firm of Aaron Sachs & Associates, P.C. and requested a meeting with them. During that meeting, I retained the services of that firm. Attorneys Aaron Sachs and Joel Block of this firm have applied for Pro Hace Vice admission to this court in this case and will be applying for admission to the bar of this court and subsequently will enter their appearance in this matter.
9. Simultaneously, I informed attorney Riehn in writing that I have terminated his services and am discharging him and requesting that my file be sent to the law office of Aaron Sachs & Associates, P.C. See August 17, 2009, correspondence attached as Exhibit A.
10. In response, attorneys Riehn and Trotter have refused to acknowledge my discharge and termination, have refused to comply with my written instruction regarding my file and have engaged in a pattern of harassment of me and my family members, including my minor son. See August 18, 2009, facsimile attached as Exhibit B.
11. Specifically, since attorneys Riehn and Trotter have received my letter of termination, they have called me at least 12 times and have left numerous messages that I find threatening and completely unprofessional.
12. Attorneys Riehn and Trotter have also called my mother, my aunt and my minor son since I sent my letter of termination. It is my belief that they have also told Mark Barton, my ex-boyfriend and client of Attorney Riehn, to call me. I have even stayed away from my home because I am afraid that these attorneys will

personally visit and harass me. In my view, the actions of attorneys Riehn and Trotter are harassment and coercion.

13. Attorney Riehn also represents Mark Barton, the father of one of my deceased children, Gabrielle, who has a competing claim for her wrongful death. I am concerned about the potential conflict of Attorney Riehn in representing both me and Mr. Barton.
14. The conduct of Attorneys Riehn and Trotter has destroyed my faith in their services and in my attorney-client relationship with them.

WHEREFORE, Plaintiff Christina Miess requests this Court to enter its Order (proposed Order attached hereto) disqualifying attorneys Riehn and Trotter for cause and terminating their representation of her and further ordering them to discontinue all contact with her and her family and to deliver her complete file immediately to her counsel of choice, Aaron Sachs & Associates, P.C. and for whatever additional relief the Court deems proper in the premises.

Respectfully Submitted,



Christina Miess

Subscribed and sworn to before me, a notary public, this 19th day of August, 2009.

My Commission Expires:
October 13, 2012



Notary Public



CRYSTAL BARNETT
My Commission Expires
October 13, 2012
Pulaski County
Commission #08055056

CERTIFICATE OF SERVICE

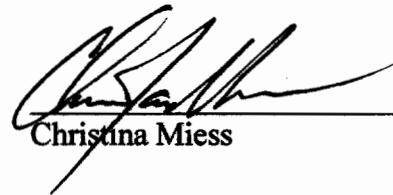
The undersigned certifies that a copy of the foregoing document was sent on the _____
day of August, 2009 via facsimile to the following counsel:

J. Michael Riehn
Law Office of J. Michael Riehn
301 West 8th Street
P.O. Box 324
Cassville, MO 65625
FAX: 417-417-847-3057

Don Trotter
Trotter Law Firm, LLC
206 Broadway
P.O. Box 518
Monett, MO 65708
FAX: 417-235-5505

Laurel Stevenson
Lathrop & Gage
1845 S. National
P.O. Box 4288
Springfield, MO 65808
FAX: 417-886-9126

Randy Scheer
Husch Blackwell Sanders, LLP
901 St. Louis Street, Suite 1900
Springfield, MO 65806
FAX: 417-268-4040



Christina Miess